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Attorneys for Defendant, Randall Letcavage

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

PREMIER HOLDING CORPORATION, et.  
al.,

Defendants.

CASE NO: 8:18-CV-00813-CJC-KESx

**DEFENDANT RANDALL LETCAVAGE'S  
RESPONSE TO PLAINTIFF'S MOTION  
TO COMPEL PRODUCTION AND AN  
ACCOUNTING**

**DECLARATION OF PHILLIP G. TRAD**

Magistrate: Karen E Scott  
Courtroom: 6D  
Date: August 26, 2021  
Time: 10:00 AM

Defendant, Randall Letcavage, severing himself from all other Defendants, respectfully  
files this Response to Plaintiff's Motion To Compel and for an Accounting regarding  
Defendant's discovery responses to Plaintiff's Post Judgment Request for Production.

**PRELIMINARY STATEMENT OF FACTS**

The matter presently before this court arises out of the Judgment entered against  
Defendant on January 20, 2021. Following the entry of Judgment, the attorney client  
relationship came to an end between Defendant and Attorney, Lahdan Rahmati, that resulted  
in an order of this granting counsel Lahdan Rahmati to be relieved as attorney of record. This  
occurred on or about March 26, 2021. Thereafter, Plaintiff was advised by new counsel, Phillip

1 G. Trad, that he was anticipating assuming the representation of the Defendant, Letcavage.  
2 This notice came by email from Attorney Trad to Attorney Bennett Ellenbogen on April 9, 2021.  
3 Attorney Trad advised his intentions and the need to clear conflicts. Attorney Trad also, in an  
4 unusual manner, disclosed to Attorney Ellenbogen that he was facing a serious medical  
5 condition as a matter of professional courtesy as he wanted Mr. Ellenbogen to know before  
6 hand that should any minor delays occur during the representation that he would make every  
7 effort to insure that such delays would not have significant effect.

8 As of April 2021, Attorney Trad had no involvement or knowledge of the SEC case  
9 against Mr. Letcavage. Attorney Trad cleared conflicts and file his appearance on or about  
10 June 3, 2021.

11 Between April of 2021 and the present there have been no less than 31 separate email  
12 or telephone communications between Attorney Trad and Attorney Ellenbogen either directly  
13 or relating to court filings.

14 Shortly after June 3, 2021, Attorney Trad was advised that he must undergo a series  
15 of surgeries over a 4 to 5 month period at Hoag Hospital to correct a serious health issue.  
16 Although, this was a personal matter, Attorney Trad advised Attorney Ellenbogen of the nature  
17 of the medical situation to insure that Attorney Ellenbogen, information he would not normally  
18 give to a stranger so that he would be aware of any issues that might affect Attorney Trad's  
19 good faith efforts to resolve the outstanding issues between the SEC and Mr. Letcavage.

20 Especially noteworthy is an email attached hereto as Exhibit "A" dated July 2, 2021  
21 where Attorney Trad specifically stated the situation regarding his medical condition, his intent  
22 to cooperate to a mutual resolution, the fact that Mr. Letcavage has nothing close to satisfying  
23 this judgement and that this matter should be referred to Collections.

24 Despite all that was on going, Attorney Trad underwent major surgery at Hoag Hospital  
25 Irvine at the Newport Orthopedic Institute on July 13, 2021 where he was hospitalized for 6  
26 days.

1 Despite this, Attorney Trad began the production of documents to the SEC on July 16,  
2 2021 with the presentation of 13 separate records of bank statements related to Mr.  
3 Letcavage, a copy of which is attached hereto as Exhibit "B". On July 21, 2021, Attorney Trad,  
4 assumed the representation of a Megan Samson who had been subpoenaed for records  
5 previously. On August 5, 2021, Mr. Letcavage served further supplemental responses upon  
6 the Plaintiff, responding to all 24 requested items with specific details as to what was being  
7 produced, acquired or available. A copy of which is attached hereto as Exhibit "C".

8 1.

9 **DEFENDANT LETCAVAGE HAS FULLY COMPLIED WITH THE DISCOVERY REQUEST**

10 An examination of the Defendant's Response to the Plaintiff's Request for Production,  
11 on both July 16, 2021 and August 5, 2021 shows that even with legitimate objections, the  
12 Defendant has fully identified all records to be produce. The Defendant has also represented  
13 that he will produce without further order, demand or subpoena.

14 The Defendant should not be held responsible for any minor delay caused by the  
15 untimely withdrawal of his attorney or the onset of a serious illness of his new attorney.

16 2.

17 **DEFENDANT HAS NO ISSUE COMPLYING WITH THE DISCOVERY, HOWEVER, SOME**  
18 **FLEXIBILITY SHOULD BE AFFORDED WHEN HIS ATTORNEY IS AFFECTED BY**  
19 **MEDICAL NEEDS OR EMERGENCIES SHOULD THE COURT SET ANY SCHEDULES.**

20 As is more particularly set forth in the Declaration of Attorney Trad filed concurrently  
21 herewith, he is under strict and severe medical restrictions that limit his ability to leave his  
22 home. He is also facing another surgery in 6 to 8 weeks. So upon the occurrence of such  
23 an event, the Defendant seeks some flexibility in responding to discovery or other  
24 proceedings.

**SUMMARY**

The issue before the court is not truly a legal issue but a factual issue. Has the Defendant complied with post judgment discovery and has he acted in good faith. Has the SEC overstated the actual facts to this court regarding both communications and the actual productions. Defendant has acted as diligently as he could based upon the conditions that he has had to experience since judgment. It is respectfully requested that Plaintiff's motion be denied and that a status conference date be set in 60 days to gage compliance.

Respectfully submitted.

August 5, 2021

By: Phillip G. Trad  
PHILLIP G. TRAD, ESQ.  
Attorney for Randall Letcavage

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is Post Office Box 19093, Irvine California 92623.

On August 5, 2021, I served true copies of the following document(s) described as **DEFENDANT RANDALL LETCAVAGE'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following ordinary business practices. I am readily familiar with the practice of Law Offices of Phillip G. Trad for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Anaheim, California.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address [ptrad@roadrunner.com](mailto:ptrad@roadrunner.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 5, 2021, at Irvine, California.

By: /s/ Phillip G. Trad  
Phillip G. Trad

